

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

IN RE: MELINDIA JACKSON,

Debtor.

MELINDIA JACKSON,

Appellant,

CASE NO. 1:16-CV-369

HON ROBERT J. JONKER

v.

U.S. BANK NATIONAL ASSOCIATION,
successor in interest trustee of Wachovia Bank,
N.A., trustee of GSMPS Mortgage Loan
Trust 2004-1,

Appellee.

**ORDER APPROVING AND ADOPTING
REPORT AND RECOMMENDATION**

The Court has reviewed Magistrate Judge Green’s Report and Recommendation in this matter (ECF No. 15) and Appellant’s Objections to the Report and Recommendation (ECF No. 16). Under the Federal Rules of Civil Procedure, where, as here, a party has objected to portions of a Report and Recommendation, “[t]he district judge . . . has a duty to reject the magistrate judge’s recommendation unless, on de novo reconsideration, he or she finds it justified.” 12 WRIGHT, MILLER, & MARCUS, FEDERAL PRACTICE AND PROCEDURE § 3070.2, at 381 (2d ed. 1997). Specifically, the Rules provide that:

[t]he district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or modify the recommended disposition;

receive further evidence; or return the matter to the magistrate judge with instructions.

FED R. CIV. P. 72(b)(3). De novo review in these circumstances requires at least a review of the evidence before the Magistrate Judge. *Hill v. Duriron Co.*, 656 F.2d 1208, 1215 (6th Cir. 1981). The Court has reviewed de novo the claims and evidence presented to the Magistrate Judge; the Report and Recommendation itself; and Appellant's objections. After its review, the Court finds that Magistrate Judge Green's Report and Recommendation is factually sound and legally correct.

The Magistrate Judge recommends denying Appellant's appeal from the U.S. Bankruptcy Court and affirming the decision of the Bankruptcy Court, which dismissed Jackson's adversary complaint. (ECF No. 15). In her Objections, Appellant primarily reiterates and expands arguments she presented in her motion papers. In a carefully crafted Report and Recommendation, the Magistrate Judge laid out Appellant's previous attempts to proceed in courts within this district and accurately addresses Appellant's arguments. Nothing in Plaintiff's Objections changes the fundamental analysis that the Bankruptcy Court lacked subject matter jurisdiction over Appellant's adversary complaint under the Rooker-Feldman doctrine. The Court agrees with the Magistrate Judge's conclusion for the very reasons the Report and Recommendation delineates.

ACCORDINGLY, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge (ECF No. 15) is approved and adopted as the opinion of the Court.

IT IS FURTHER ORDERED that the decision of the Bankruptcy Court dismissing Appellant's adversary complaint is **AFFIRMED**.

This case is **DISMISSED**.

Date: September 10, 2017

/s/ Robert J. Jonker
ROBERT J. JONKER
CHIEF UNITED STATES DISTRICT JUDGE